APPENDIX A

SUPREME COURT OF KENTUCKY
82-SC-102-D
(81-CA-2518-D)

HAPPY DAY, INC., BROWN BEAR, INC., AND PAULINE MULLINS,
Movants,

v.

COMMONWEALTH OF KENTUCKY,
Respondent.

Campbell Circuit Court
81-X-31

ORDER DENYING DISCRETIONARY REVIEW

The motion of Happy Day, Inc., Brown Bear, Inc., and Pauline Mullins for a review of the decision of the Court of Appeals is denied.

ENTERED: April 13, 1982

/s/ _____
Chief Justice

APPENDIX B

COMMONWEALTH OF KENTUCKY
COURT OF APPEALS
No. 81-CA-2518-D

HAPPY DAY, INC., BROWN BEAR, INC., AND PAULINE MULLINS,
Movants,

v.

COMMONWEALTH OF KENTUCKY,
Respondent.

On Motion For Discretionary Review
From Campbell Circuit Court
No. 81-X-31

ORDER DENYING DISCRETIONARY REVIEW

BEFORE: VANCE, LESTER, and REYNOLDS, JUDGES

The Court, having considered the motion for discretionary review, and being otherwise sufficiently advised, ORDERS that it be, and is hereby, DENIED.

ENTERED: January 27, 1982.

/s/

Judge, Court of Appeals

APPENDIX C

CAMPBELL CIRCUIT COURT
DIVISION NO. ONE
No. 81-X-31
(Cinema X No. 1)

HAPPY DAY, INC., BROWN BEAR, INC.,
AND PAULINE MULLINS,
Appellants,

v.

COMMONWEALTH OF KENTUCKY,
Appellee.

Filed November 16, 1981

ORDERS AND JUDGMENT

This matter is before the Court upon appeal by Happy Day, Inc., Brown Bear, Inc. and Pauline Mullins from the final judgment entered by the District Court on July 10th, 1980. Each of the appellants was found guilty by a Jury verdict and Judgment of the District Court. Two of the appellants are corporations and the third appellant, Pauline Mullins, is on bond.

The appellants have raised a number of points relating to constitutional law violations and various errors in the trial conducted in the District Court. The constitutional questions include the constitutionality of KRS 506.080 (Criminal Facilitation), 531.010 and 531.020. Appellants further contend that there constitutional rights were violated in respect to the First, Sixth and Fourteenth Amendments to the U.S. Constitution and Sections Ten and Eleven of the Kentucky Constitution.

Further, appellants urge error in the denial of their motion for judgment notwithstanding the verdict, improper argument by the Commonwealth in its closing argument, in allowing

evidence of former convictions of misdemeanors and in instructing the Jury, inter alia.

Having reviewed the entire record herein this Court finds that there has been no abridgement of any of the constitutional rights of the appellants; that the Kentucky Statutes under attack are constitutional and valid; and that there was no reversible errors committed at the trial in the District Court in the procedures and disposition of the subject appeal.

Accordingly, the Judgment of the District Court is hereby affirmed, the appeal herein is dismissed and the sentence of the District Court may be carried out.

So ORDERED AND ADJUDGED this 16th day of November 1981.

/s/

John A. Diskin, Judge

CERTIFICATION:

This is to certify that a true copy of the foregoing Orders and Judgment was this 16th day of November, 1981 mailed to Mott V. Plummer, Robert Eugene Smith, Stephen C. Megerle, Arthur M. Schwartz, Justin D. Verst, William Wehr and Hon. Timothy Nolan.

Edward D. Blau, Clerk

By /s/ _____ D.C.

APPENDIX D

CONSTITUTIONAL AND STATUTORY PROVISIONS

1. The pertinent provisions of the First Amendment are:

   "Congress shall make no law . . . abridging the freedom of speech, or the press . . ."

2. The pertinent provisions of the Fourth Amendment are:

   "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be seized, and the persons or things to be seized."

3. The pertinent provisions of the Fifth Amendment are:

   No person shall . . . be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. . . ."

4. The pertinent provisions of the Sixth Amendment are:

   "In all criminal prosecutions, the accused shall enjoy the right . . . to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him. . . ."

5. The pertinent provisions of the Fourteenth Amendment are:

   "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."